IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

COMPANY PETITION NO.466 OF 1998

National Securities Clearing Corporation Ltd. ..Petitioner.

Vs.

M/s. Pittie Securities Ltd. ..Respondent.

...

Ms. Sarita i/b Shankar Satpute for the Petitioner.
None for the Respondent.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

16th June, 2007.

P.C. :

1. In these proceedings under Sections 433 and 434 of the Companies Act, 1956 the Petition for winding up against the company, M/s. Pittie Securities Limited is founded on an outstanding of Rs.34.77 lacs due and payable to the Petitioner. The Petitioner is a wholly owned subsidiary of the National Stock Exchange of India Limited. On 29th March, 1995 the company was allotted trading membership in the capital market segment of the National Stock Exchange of India Limited as a clearing member. In the course of its activities an aggregate amount of Rs.1.04 Crores approximately

became due and payable by the company of which an amount of Rs.70 lacs which was deposited as a security deposit became liable to be adjusted. Consequently, a balance of Rs.34.77 lacs was due and payable. The Petitioner has also a claim on account of interest. There was no reply to the statutory notice issued prior to the institution of winding up proceedings.

2. No affidavit in reply was filed either at the stage of admission or after the Petition has been admitted. An affidavit of publication has been filed. In the circumstances, in the absence of any defence the claim in the Company Petition has remained uncontroverted. It is therefore evident that the company is unable to discharge current liabilities and has become commercially insolvent. The Company Petition is accordingly made absolute in terms of prayer clauses (a) and (b).